REMARKS

Claims 1–30 are pending in the present application.

Claims 31–55 have been previously canceled without prejudice.

Claims 10, 20 and 30 have been allowed.

Claims 1–9, 11–19 and 21–29 have been rejected.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 103 (Obviousness)

On Page 2 of the March 13, 2003 Office Action the Examiner rejected Claims 1–9, Claims 11–19 and Claims 21–29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,349,238 to *Gabbita et al.* (hereafter "*Gabbita*") in view of U.S. Patent No. 5,920,846 to *Storch et al.* (hereafter "*Storch*"). The Applicants respectfully traverse these rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re*

Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Independent claims 1, 11 and 21 each relate to providing collaborative work flow for a plurality of customers and a plurality of vendors. Such a feature is not shown or suggested by the cited references. *Gabbita* and *Storch* both relate to a scheduling system for a single enterprise and not to a plurality of vendors. The Examiner disagreed with the Applicants' argument "because a plurality of users and make known the information to vendors who can fulfill the service orders. Note col. 4, lines 37-55." (March 13, 2003 Office Action, Page 2, Line 23 to Page 3, Line 2).

Column 4, Lines 37-55 of *Gabitta* discloses a plurality of computer systems 106-114 that "conduct business functions for the telecommunications company." (*Gabitta*, Column 4, Lines 45-47) (Emphasis added). It is clear that there is only one vendor, i.e., one telecommunication company. "In particular, the communications module 124 is used to communicate with the various computer systems 106-114 of the telecommunications company, via a computer network 103." (*Gabitta*, Column 5, Lines 49-52) (Emphasis added). Neither *Gabitta* nor *Storch* disclose the use of a collaborative work flow between a plurality of customers and a plurality of vendors.

Independent claims 1, 11 and 21 each further recite that the messages, data files, software applications or documents relating to the work flow are stored in association with the work flow. Such a feature is not shown or suggested by the cited references. In response to this argument, the Examiner stated that "Storch et al. [should be Gabitta] clearly teaches a database for storing information associating with the service order. Note col.4, lines 56-59." (March 13, 2003 Office Action, Page 3, Lines 5-6).

Column 4, Lines 56-59 of *Gabbita* discloses a database 104 "to store data associated with the processing and tracking of orders." (*Gabbita*, Column 4, Lines 58-59). The *Gabbita* reference makes it clear that the data stored in database 104 does not comprise messages, data files, software applications or documents relating to the work flow. Specifically, *Gabbita* teaches the use of a Local Services Activity Tracker (LSAT) that operates as a scheduling utility and receives messages from a Service Request Management System (SRMS) enhanced with Move, Add, Change and Disconnect (MACD) processing capabilities, which are employed by employee users of the

company/enterprise (e..g, Local Service Account Executives, Local Service Consultants, Local

Service Provisioning staff, Operations personnel, or members of a construction group):

> In step 204, LSAT 102 receives a message from either SRMS/MACD 106 or ARMS 108, indicating that a Service Order has been created and approved for downstream processing. Once this message has been received, LSAT 102 obtains information about the Service Order.

Gabbita , column 8, line 67 through column 9, line 5. *Gabbita* teaches merely triggering retrieval

of a service order by receipt of a message, and does not teach or suggest storing the messages in

association with the service order.

Independent claims 1, 11 and 21 also each recite that the work flow is at least partially

developed or executed by the receipt, storage and transfer of messages, data files, software

applications or documents. In the present invention, remote collaboration is possible in part because

the work flow may be developed by both the customer (designating a role) and the vendor (filling

that role) and/or executed by the transfers between the customer and vendor (e.g., of data to be

placed into a spreadsheet, compressor data to be analyzed, etc.). Such a feature is not shown or

suggested by the cited references. Neither *Gabbita* nor *Storch* teach or suggest at least partially

developing or executing a work flow by the receipt, storage and transfer of messages, data files,

software applications or documents.

In response to this argument the Examiner stated that "Official Notice is taken that partially

executing workflow on received information is well known in the workflow management art.

It would have been obvious to a person of ordinary skill in the art to partially execute the workflow

based on receive information because this would allow an input role to be solicited and processed

in a smooth and efficient manner." (March 13, 2002 Office Action, Page 3, Lines 8-12).

The Examiner cited U.S. Patent No. 5,987,422 to *Buzsaki* as disclosing the concept of

"partially executing a workflow received and stored information." (March 13, 2002 Office Action,

Page 3, Lines 13-15).

The Applicants respectfully traverse this rejection. The prior art (including the *Buzsaki*

patent) does not disclose the concept of partially developing or executing the workflow by the

receipt, storage and transfer of messages, data files, software applications or documents from the

vendor or the customer. The example cited in the *Buzsaki* patent simply relates to restarting the

execution of a workflow that has been halted. (*Buzaki*, Column 13, Lines 1-5).

Independent claims 1, 11 and 21 still further recite an accounting controller identifying fee

associated with the work flow and stores such fees in the work flow record. Such a feature is not

shown or suggested by the cited references. As conceded in the August 27, 2002 Office Action,

Gabbita does not teach or suggest addressing fee information or disclose an accounting controller.

The Examiner has apparently taken the position that the portion of *Storch* that mentions

"billing rates" (*Storch*, Column 19, lines 27-41) "implies that a fee is associated and stored for the

provided service." (March 13, 2003 Office Action, Page 3, Lines 19-20).

The portion of the *Storch* reference that the Examiner has cited as teaching this feature

actually only teaches that Universal Service Order Codes (USOCs), Field Identifiers (FIDs) and

action codes have associated billing codes used for billing purposes in a Customer Record

Information System (CRIS) or Customer Access Billing System (CABS):

As will be appreciated by those skilled in the art, certain USOCs and FIDs input by the order taker person 61 are used by other computer systems in processing the service order. For example, a USOC such as CQ4 can be input by the order taker person 61 when conditioning is needed for an ND circuit to provide 4 dB loop loss. When the service order passes to the Assigning SOAC (discussed below), the CQ4 USOC triggers tables in the Assigning SOAC to recognize and translate this USOC as a line class code, indicating the line class needs conditioning or outside facilities assigned by LFACS or SWITCH.RTM. The USOCs, FIDs and action codes are also associated with billing codes used by the billing system such as CRIS (discussed below) to determine billing rates for the service provided.

(Storch, Column 19, Lines 27–41). *Storch* merely teaches the existence of billing codes, and does not teach or suggest an accounting controller determining billing information for a particular service order or storing the billing information in the service order.

The Examiner also stated that "It would have been obvious to a person of ordinary skill in the art to incorporate a fee associated and storing with a service request in Applicant's disclosure because that would derive revenue stream for the service provider." (March 13, 2003 Office Action, Page 3, Line 22 to Page 4, Line 2). The Applicants respectfully traverse this rejection. There is nothing in the prior art that discloses or suggests the concept of using an accounting controller in conjunction with the other claim elements of the Applicants' invention. Nothing the in the prior art suggests such a combination. The supposed motivation to "derive revenue stream" is too general and vague to supply the requisite suggestion.

Claims 2, 12 and 22 each recite that the work flow record comprises a plurality of definitions each defining at least one process step to be performed by the main controller, the accounting controller, a customer device, or a vendor device. Such a feature is not shown or suggested by the cited references. The LSAT in *Gabbita* cited as teaching this feature merely teaches a scheduling

utility for scheduling work flow steps and allocating resources thereto, and does not actually perform

any process steps for the work flow:

> The web based interface module 130 is coupled with a company-wide Intranet 118, which is coupled with a plurality of remote workstations 120. The web based interface module is used to implement user in-boxes, where users can view 20 services orders and their associated workflow steps. As described below, the web based interface module further provides query capability to provided customized views, reports and tracking information pertaining to current and past Service Orders. The LSAT engine module 121 supports the management of the Workflow, via the selection and scheduling and resource allocation modules, 122 and 128, respectively. In addition, the LSAT engine 121 comprises a communications module 124 to support communication between LSAT 102 and the various computer systems 106-114. The LSAT engine 124 is preferably implemented using C++, and runs on Windows NT operating system.

Gabbita , column 5, lines 33–48. The LSAT of *Gabbita* merely allows users to view a scheduled

task, query, track or generate reports on scheduled tasks, and provide notifications. The LSAT does

not perform any process steps for the tasks.

The Examiner asserted that *Gabbita* does show a processing step (col. 2, lines 29-43).

(March 13, 2003, Page 4, Lines 3-6). However, the processing steps referred to here are performed

by what *Gabbita* refers to as "Resources" (individuals, groups and/or computer systems). (*Gabbita*,

Column 2, Lines 35-37). *Gabbita* does not disclose the concept of executing processing steps with

a main controller, an accounting controller, a customer device, or a vendor device.

Claims 3–4, 13–14 and 23–24 each recite that the work flow definitions may be modified by

the customer or by the vendor. As noted above, the work flow definitions define portions of the

work flow to be performed by one of the main controller, the accounting controller, a customer

device or a vendor device. Modifying these definitions alters either the nature of the process to be

performed or the device on which the process is to be performed. Such a feature is not shown or suggested by the cited references.

The Examiner asserted that *Gabbita* does teach workflow definitions and the idea of modifying these definitions (col. 17, lines 38-46). (March 13, 2003, Page 4, Lines 10-12). However, the Workflow Drawings (WFD) referred to in *Gabbita* are simply workflow <u>diagrams</u> that represent "portions of the business process" (*Gabbita*, Column 17, Lines 28-30). The Workflow Drawings (WFD) may be modified "<u>without</u> the change or modification of LSAT 102 source code." (*Gabbita*, Column 17, Lines 45-46) (Emphasis added). Therefore, *Gabbita* does <u>not</u> disclose the concept of modifying workflow <u>definitions</u> by a customer or by a vendor.

Claims 5, 15 and 25 each recite that the work flow record comprises primary and secondary work flow records for different service requests. Such a feature is not shown or suggested by the cited references. Neither reference teaches of suggests separately tracking different aspects of an overall work flow within the aggregate work flow record.

The Examiner stated that *Gabbita* does disclose a "primary work flow record" associated with a service request (*Gabbita*, Column 2, Lines 29-43) but that *Gabbita* does not explicitly disclose a secondary work flow record associated with a second service request. The Examiner stated that it would have been obvious to a person having ordinary skill in the art to modify the *Gabbita* system to incorporate a secondary work flow record. (March 13, 2003 Office Action, Page 4, Lines 13 to Page 5, Line 2). The Applicants respectfully traverse this rejection.

There is no suggestion or teaching in *Gabbita* to combine a first work flow record associated

with a first service request and a second work flow record associated with a second service request. This concept can only be read into the *Gabbita* system by taking the concept from the Applicants' disclosure and adding the Applicants' concept to the *Gabbita* system. Applicants' concept of combining a first work flow record associated with a first service request and a second work flow record associated with a second service request is not disclosed or suggested in either *Gabbita* or *Storch*.

Claims 6, 16 and 26 each recite that the second service request is generated by the vendor responding to the customer's service request (e.g., sub-contracting out a portion of the overall task). Such a feature is not shown or suggested by the cited references.

The Examiner stated that "these features are <u>interpreted</u> as a customer sending a request to make additional changes such as repairing or rebuilding a part and the vendor agrees to do so resulted in having a second workflow being associated with a second service request" (Emphasis added) (March 13, 2003 Office Action, Page 4, Lines 13 to Page 5, Line 2). The Applicants respectfully traverse this rejection. The Examiner has cited no prior art supporting this interpretation.

There is no suggestion or teaching in *Gabbita* for a first vendor to generate a second work flow in response to a first service request generated by a first customer. This concept can only be read into the *Gabbita* system by taking the concept from the Applicants' disclosure and adding the Applicants' concept to the *Gabbita* system. Applicants' concept of a first vendor generating a second work flow in response to a first service request generated by a first customer is not disclosed or suggested in either *Gabbita* or *Storch*.

Claims 7, 17 and 27 each recite that the accounting controller identifies and records the fees associated with the second request (sub-contract). Such a feature is not shown or suggested by either cited reference.

The Examiner stated that "the combination of Gabbita et al and Storch et al discloses charging billing rates to a customer for a to service request (see claim 1 above) but Gabbita et al and Storch et al fail to disclose identifying at least one additional fee associated with a said second work flow and storing second fee associated with said at least one additional fee in said first work flow record. However, these features are equivalent having more steps or additional labor time to perform a service request for a customer. Including these features into Gabbita et al and Storch et al would have been obvious to a person of ordinary skill in the art for charging the customer an additional fee for the incurred labor. (March 13, 2003 Office Action, Page 5, Lines 11-19). The Applicants respectfully traverse this rejection.

The Applicants' claim the concept of identifying an additional fee associated with the second work flow and storing the second fee data in the first flow record. There is no basis for combining this concept with the *Gabbita* system or the *Storch* system. There is no suggestion or teaching in *Gabbita* or *Storch* for identifying an additional fee associated with the second work flow and storing the second fee data in the first flow record.

Claims 8, 18 and 28 each recite that the fee information relating to the first and second service requests are allocated to the primary and secondary work flow records, respectively. Such a feature is not shown or suggested by either cited reference.

The Examiner stated that "Gabbita et al discloses sending a customer's billing information to be processed (col. 6, lines 33-51), but Gabbita et al does not explicitly disclose associating a fee for a second work flow record. Storch et al discloses associating rates for any number of workflow records for a service order (i.e. col. 19, lines 33-41). Therefore, it would be obvious to a person having ordinary skill in the art to modify the system of Gabbita et al to incorporate rates for a number of records records as evidenced by Storch. Doing so would provide an instant view or lookup of what a service will cost a customer or what a vendor will charge." (March 13, 2003 Office Action, Page 5, Line 23 to Page 6, Line 7). The Applicants respectfully traverse this rejection.

The Applicants agree that *Gabbita* does not explicitly disclose associating a fee for a second work flow record. As previously described, the portion of *Storch* cited by the Examiner *(Storch*, Column 19, Lines 27–41) merely teaches the existence of billing codes, and does not teach or suggest an accounting controller that determines billing information for a particular service order or storing the billing information in the service order. *Storch* does not disclose associating billing rates for any number of workflow records for a service order. Therefore, a combination of *Gabbita* and *Storch* would not disclose or suggest the Applicants' concept of utilizing an accounting controller to store fee data for a first work flow in a primary work flow record and to store fee data of a second work flow in a secondary work flow record.

Claims 9, 19 and 29 each recite that the service requested is programming a customized software application according to customer specifications. Such a feature is not shown or suggested by either cited reference.

The Examiner stated that "Gabbita et al discloses a web based interface module. Such interface has the capability to provide customized view of service requests. Note col. 5, Lines 33-48." (March 13, 2003 Office Action, Page 6, Lines 8-12). The Applicants respectfully traverse this rejection.

The Applicants have claimed a concept of using a customized, computer-executable application that is generated by the first vendor to perform a first service associated with the first service request. The customized, computer-executable application performs specific operations designed by the first vendor to meet the unique requirements of the first customer. This concept is not disclosed or suggested by *Gabbita*. The portion of *Gabbita* cited by the Examiner (*Gabbita*, Col.5, Lines 33-48) is directed to a web-based interface module 130 that allows user to <u>view</u> the status of service orders. The web based interface module 130 does <u>not</u> perform services associated with the first service request. Web based interface module 130 may be capable of providing customized views of service requests. However, web based interface module 130 does not provide services to satisfy the service requests.

Therefore, the rejections of claims 1–9, 11–19 and 21–29 under 35 U.S.C. § 103(a) have been overcome.

AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Page 9, Lines 13-19, has been amended as follows:

In yet another embodiment of the present invention, the main controller is further capable of determining if the at least one vendor has accepted the first service request, and in response to the determination, transmitting an acceptance notification to the first customer. The acceptance notification optionally may include a status notice, including, for example [%], completion of the requested service, expected charge(s), order status, and the like.

Page 17, Line 19, to Page 18, Line 9, has been amended has follows:

Exemplary vendor network 150 may comprise one or more workstations, collectively represented by workstation 151, and one or more vendor servers, collectively represented by vendor server 152. Similarly, exemplary vendor network 160 may comprise one or more workstations, collectively represented by workstation 161, and one or more vendor servers, collectively represented by vendor server 162. Finally, exemplary vendor network 170 may comprise one or more workstations, collectively represented by workstation 171, and one or more vendor servers, collectively represented by vendor server 172. Each of vendor networks [110, 120 and 130] 150, 160 and 170 allows one or more users to access RCE network 180 in order to perform a service requested by a customer.

Page 21, Line 15, to Page 22, Line 4, has been amended as follows:

Again, by way of example, suppose a manufacturing company in Texas operating customer network 110 wants to have a compressor problem analyzed. A compressor expert in London, England operating vendor network 150 wishes to deliver his services (i.e., his expertise) by remotely assessing computer performance for facilities around the world. An application executed on RCE server 182 and customer network 110 interrogates an operator at the manufacturing company for required compressor data and customer identification data. This could be done by means of a custom application, a web page, or any computer-based user interface. Additional input data may be collected automatically by the application.

Page 29, Lines 12-21, has been amended as follows:

After a work flow is initially created, customer transfer controller 212 and customer data collection controller [212] 214 continue to interact with the operator of customer network 110 during subsequent sessions with RCE network 180. For example, a vendor may respond to a service request in a work flow by asking one or more questions or requesting additional documents from customer network 110. In this case, customer transfer controller 212 and customer data collection controller 214 continue to operate as before, gathering information from the operator of customer network 110 and transmitting it to RCE network 180.

Page 34, Lines 12-20, has been amended as follows:

After a work flow is accepted by the vendor, vendor transfer controller 232 and vendor data collection controller [232] 234 continue to interact with the vendor during subsequent sessions with RCE network 180. For example, a vendor may from time to time [by] ask questions or request additional documents from customer network 110. In this case, vendor transfer controller 232 and vendor data collection controller 234 continue to operate as before, gathering information from the vendor operating vendor network 150 and transmitting it to RCE network 180.

Page 39, Lines 3-10, has been amended as follows:

Vendor database 350 comprises a list of individual vendors associated with active or inactive (i.e., past) work flows. Vendor database [330] 350 is a comprehensive list of service providers that provide the services brokered to customers through the remote collaborative environment created by RCE network 180. Vendor database 350 comprises "R" vendor records, including exemplary vendor records 351-353 (arbitrarily labeled Vendor 1, Vendor 2 and Customer R, respectively).

Page 49, Lines 4-11, has been amended as follows:

Eventually, the operator of vendor network 150 completes the requested service and delivers a final product to RCE network 180. The final product may comprise a text document, a spread sheet, compiled data, annotated data, and the like (process step 625). Finally, RCE network 180 delivers the final product to customer network 110 and transaction tracking and accounting controller 224 adjusts the accounting records associated with the primary work flow and any secondary work flows related to the primary work flow (process step 630).

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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